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REMARKS

Claims 1-26 are pending in this Application. Claims 1, 11, 13 and 22 are independent claims.

Preliminary Matters

Applicants appreciate the courtesy extended Applicants representative during a telephone conversation on August 7, 2006. During the conversation the term "network processor" was discussed, and in particular the fact that a network processor capable of performing packet switching and routing. As discussed with the Examiner, the "capable of" language and the language which follows (performing packet switching and routing functions) is intended as a positive limitation and should be considered as such. Further, as discussed with the Examiner, it is Applicants position that Ito does not teach a "network processor capable of performing packet switching and routing functions". In order to perform packet switching and routing functions a device must be capable of receiving a packet at an input interface and of providing (by switching or routing) that packet to an appropriate output interface. Ito fails to receive a packet and to direct the received packet to an appropriate output interface. Ito therefore cannot be considered as a "network processor" or further be considered as a "network processor capable of performing packet switching and routing functions"

Objections

The Examiner objected to claims 1, 11, 13 and 22-26 due to the use of "capable of" language. As discussed with the Examiner, the "capable of" language and the language which follows (performing packet switching and routing functions) is intended as a positive limitation and should be considered as such. Accordingly, the objection is believed to have been overcome.

Rejections under §102

Claims 1 and 2 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,414,942 to Ito et al. (hereinafter Ito). The Examiner stated that Ito

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teaches a network processor. Applicants respectfully disagree with the Examiner's statement. A careful review of Ito shows a conventional processor used to generate communications data.

In contrast to Ito, claim 1 recites the use of a network processor. As is known to one of reasonable skill in the art, a network processor is different from a conventional processor as used in Ito. A network processor is described in the specification as filed at page 6, lines 5-10, which states:

The network processor is typically utilized to perform packet processing, cell processing, look-up table processing and queue management within a network switch or router. The present invention utilizes a network processor in a completely different manner by programming the various processors of the network processor to provide test system functionality instead of switching and routing functionality.

Claim 1 recites that the network processor is capable of performing packet switching and routing functions and is programmed to provide test system functionality. By way of claim 1, a network processor which is conventionally used to provide switching and routing functions in a network switch or router, is used in a different manner to provide test system functionality. Ito fails to disclose or suggest the use of a network processor which is capable of performing packet switching and routing functions and which has been programmed to perform test system functions. Ito does not disclose or suggest a network processor. Simply because a conventional processor is used to provide data packets does not make the conventional processor a network processor. The Examiner is directed to the prior response wherein documentation was submitted which clearly distinguish a Network Processor from conventional processors. If the Examiner is to maintain this rejection, she is asked to specifically point out where in Ito a Network processor is discussed (as known to those of reasonable skill in the art), and further where in Ito a processor capable of performing packet routing and switching is discussed.

Therefore, since claim 1 recites using a network processor capable of performing packet routing and switching which has been reprogrammed to perform test system functions, while Ito utilizes a conventional processor, claim 1 is believed allowable over

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Ito. Claim 2 depends from claim 1 and is believed allowable as it depends from a base claim which is believed allowable. Accordingly, the rejection of claims 1 and 2 is believed to have been overcome.

Rejections under §103

Claims 3-6 and 9-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito in view of by U.S. Patent Publication US2002/0105911 to Pruthi et al. (hereinafter Pruthi). Claim 11 recites a network processor (discussed in detail above) as do claims 13 and 22. Pruthi, like Ito, also fails to disclose or suggest the use of a network processor, therefore claims 11, 13 and 22 are believed allowable over Ito and Pruthi. Claims 3-6, 9-10, 12, and 14-21 depend from claims 1, 11 or 13 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejections of claims 3-6 and 9-22 under 35 U.S.C. §103(a) as being unpatentable over Ito in view of Pruthi is believed to have been overcome.

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito in view of Pruthi and AudioPro VOIP Network Monitoring & Analysis (hereinafter AudioPro). Claims 7 and 8 depend from claim 1 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 7 and 8 under 35 U.S.C. §103(a) is believed to have been overcome.

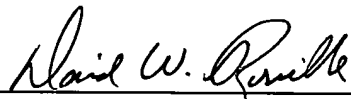
Claims 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito. These claims further define the network processor as being capable of providing lookup table processing and queue management within a network switch or router. Since Ito fails to disclose a network processor, Ito also fails to disclose a network processor capable of providing lookup-table processing and queue management within a network switch or router.

In view of the above, the Examiners' rejections are believed to have been overcome, placing claims 1-26 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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